

By *cont* storing the filtered user record in a second database controlled by the central settlement server; and
using the filtered user record for generating the report.

B5 20. (amended) The method of claim 6 wherein a plurality of user records are transmitted to the second server by a plurality of first servers, with at least one of the plurality of first servers being located at a different physical location than another of the plurality of first servers.

REMARKS

IDS

Attached to the office action dated May 22, 2002, was a copy of the information disclosure statement (IDS) that applicants filed on June 16, 2000. The examiner crossed out the reference to the parent application (Application No. 08/949,068) in the IDS. In a telephone conference on August 12, 2002, the examiner stated that she would consider the reference if applicants submitted another IDS listing Application No. 08/949,068, and that no fee would be due with the IDS. Therefore, applicants are submitting such an IDS with this amendment and request that the examiner consider the parent application (now abandoned) as having been properly and timely disclosed in an IDS.

FILING RECEIPT

On another matter, submitted with this amendment is a request to correct the filing receipt for this application. In the original filing receipt, the PTO failed to list David Ling as an inventor, even though his name appears on the declaration submitted with the application.

Applicants would appreciate any help the examiner can provide in getting the filing receipt corrected to properly list all four inventors since this was a PTO mistake, and since the PTO did not respond to a previous request (filed August 7, 2000) to correct this mistake.

CLAIMS

In the office action dated May 22, 2002, claims 1 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,768,521 (Dedrick). Dedrick discloses a metering system that allows a flow of electronic information to a client computer in a network to be monitored. Electronic information is generated by a publisher and electronically distributed to a plurality of metering servers that reside in a local area network containing a number of client computers. The metering servers contain a metering mechanism that controls the transfer of information into the client computer (Dedrick, col. 1, line 62 to col. 2, line 6).

Claim 1 of the present invention claims a three-step method for accounting for services in an Internet access transaction. In the first step, a first server tracks the time a user is connected to the Internet through a system operated by an Internet service provider (ISP) with whom the user does not have an account. In the second step, a user record is transmitted from the first server to a central settlement server, with the user record identifying the user and the amount of time the user was connected to the Internet. In the third step, the central settlement server generates a report from the user record, with the report including at least the amount of time the user was connected to the Internet. The report is provided to a second ISP with whom the first user does have an account.

Comparing claim 1 of the present invention to Dedrick shows that there are several differences between the two inventions. First, in the method of claim 1 the user is connected to the Internet through a system operated by a first Internet Service Provider (ISP). The first ISP is not equivalent to any party involved in the metering system of Dedrick. This is because claim 1 specifies that the user does not have an account with the first ISP that allows the first ISP to bill the user directly. In Dedrick, the party operating the metering server is the party who bills the user. This is stated in the written description of the metering server 14 in Dedrick at col. 3, lines

60-65, where the metering process 36 is described as calculating the price of the requested information and subtracting the price from the balance of the end user's account. The written description goes on to say that the end user establishes a balance when the end user requests an account in the system (Dedrick, col. 3, lines 63-66). Therefore, in Dedrick, the operator of the metering server 14 is the party with whom the end user has an account. In claim 1, the user has an account with the second ISP, not the first ISP. The methodology of the Dedrick system does not fit into the methodology of claim 1 of the present invention because if the operator of the metering server 14 is taken to be the second ISP of claim 1, then the user is not connected to a network by the first ISP.

Second, claim 1 of the present invention states that a system operated by a first ISP is utilized to connect the user to the Internet. In contrast, Dedrick does not teach that the operator of the metering server 14 is an Internet Server Provider (ISP). Rather, Dedrick teaches that the metering server 14 includes modem sharing software and interface hardware for allowing the server 14 to communicate with a device external to the local network 16 (Dedrick, col. 2, lines 52-59). This is a description of something like a dial-up modem, not a description of an ISP system.

Third, claim 1 of the present invention states that the first server tracks an amount of time the user is connected to the Internet through the first system. In contrast, Dedrick teaches that the metering server 14 monitors the flow of electronic information (Dedrick, col. 1, lines 63-64). Although Dedrick does suggest that the length of time a database is accessed can be a metered parameter (Dedrick, col. 5, line 16), this is not the same as tracking the amount of time the user is connected to the Internet. This is because Dedrick does not specifically describe metering Internet connection time, and furthermore, metering the length of time the user is accessing a database would be a subset of the length of time the user is connected to a network, such as the Internet.

Fourth, nothing in Dedrick describes providing a report to a second ISP with whom the user does have an account that lists the amount of time the user was connected to the Internet via the first system. This is because the Dedrick invention does not even utilize a first ISP, and hence has no reason to describe a second ISP. For all of these reasons, applicants submit that

claim 1 of the present invention is not anticipated by Dedrick.

Claim 4 is dependent on claim 1 and therefore is not anticipated by Dedrick for the same reasons given above with respect to claim 1. Additionally, Dedrick does not teach providing a report to the first ISP, or any other party with whom the user does not have an account.

In the last office action, claims 2, 3 and 5-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,768,521 (Dedrick) in view of official notice taken by the examiner. Dedrick was described above with respect to claim 1.

Claims 2, 3 and 5 are dependent on claim 1 and are therefore patentable over Dedrick for the same reasons given above with respect to claim 1. Specifically, the user is connected to the Internet through a system operated by a first ISP with whom the user does not have an account; the first server tracks an amount of time the user is connected to the Internet through the first system; and a report is provided to a second ISP with whom the user does have an account. Because of these patentable features, the official notice taken by the examiner, even if assumed to be correct (for purposes of argument only), does not cause claims 2, 3 and 5 to be unpatentable. Additionally, in claim 5, the use of the second server to store the user record is an additional distinguishing feature because the second server allows the operator of the central settlement computer to control the storage of the user record, as is explained in more detail below with respect to claim 6.

Claim 6 of the present invention claims a six-step method for accounting for services in an Internet access transaction. In the first step, a first server tracks the time a user is connected to the Internet through a system operated by an Internet service provider (ISP) with whom the user does not have an account. In the second step, a user record is transmitted from the first server to a second server located at a different location for storage, with the user record identifying the user and the amount of time the user was connected to the Internet. In the third step, the user record stored on the second server is transmitted to a central settlement server located at a different location. In the fourth step, the user record is stored in a database controlled by the central settlement server. In the fifth step, the central settlement server generates a report that includes an amount of money owed to the first ISP for the time the user used the first system to connect to the Internet. In the sixth step, the report is made available to a second ISP with whom

the user does have an account.

Comparing claim 6 of the present invention to Dedrick shows that there are several differences between the two inventions. First, claim 6 includes similar distinguishing features to those described previously with respect to claim 1. Specifically, in claim 6 the user is connected to the Internet through a first system operated by a first ISP with whom the user does not have an account; the first server tracks an amount of time the user is connected to the Internet through the first system; and a report is provided to a second ISP with whom the user does have an account.

Second, claim 6 includes the additional distinguishing feature of transmitting a user record to a second server located at a different physical location than the first server. In the last office action, the examiner states that storing data at a different location is known in the art, and therefore this step is obvious. Applicants respectfully disagree because the step of transmitting and storing the user record on the second server in claim 6 allows the user record to be stored at physical location away from the first system operated by first ISP. This allows the operator of the central settlement computer to control the storage of the user record. As is described in the present application, such control is important because it allows, for example, the second server to store user records from a plurality of different ISP's (Application, page 11, lines 17-22). Therefore, use of the second server in the context of claim 6 is not rendered obvious simply because the use of storage servers is known in the prior art.

Third, in claim 6, the user record is transmitted from the second server to the central settlement server at selected intervals. Dedrick does not teach this step because Dedrick does not utilize the second server. Rather, if the teaching of Dedrick is applied to claim 6, the user record would be sent from the first server to the central settlement server. Therefore, Dedrick teaches away from claim 6. For all of these reasons, applicants submit that claim 6 is patentable over Dedrick in view of the official notice taken by the examiner.

Claims 7-9, 11, 18 and 20 are dependent on claim 6 and are therefore patentable over Dedrick in view of the official notice taken by the examiner for the same reasons given above with respect to claim 6. Additionally, claim 9 includes the distinguishing feature of listing the amount of money owed by the first ISP to the second ISP for time that a second user was connected to the Internet through a second system. Dedrick does not disclose such an

arrangement between a first and second ISP. Claim 11 includes the distinguishing feature of transmitting funds from the second ISP to a settlement operator and transmitting funds from the settlement operator to the first ISP. Dedrick does not disclose such an arrangement between a first and second ISP and a settlement operator.

Claim 12 of the present invention claims an apparatus comprised of first, second and third server means, first transmission means, first storage means and report generation means. The first server means is for tracking an amount of time a first user is connected to the Internet through a first system operated by a first Internet Service Provider. The first transmission means is connected to the first server means for transmitting the first user record over the Internet. The second server means is for receiving the first user record from the first server means and for transmitting a second user record over the Internet. The third server means is located at a different physical location than the second server means and receives the second user record from the second server means. The report generation means is associated with the third server means and generates a report from the second user record that includes at least the amount of time the first user was connected to the Internet through the first system.

Comparing claim 12 of the present invention to Dedrick shows that there are several differences between the two inventions. First, in claim 12 the first server tracks Internet usage of a first user who does not have an account with the first ISP who operates the first system. As was explained previously with respect to claims 1 and 6, Dedrick does not disclose such a system.

Second, claim 12 includes a second server located at a different location than the first server for receiving the user record. As was explained previously with respect to claim 6, the second server in claim 12 allows the user record to be stored at a physical location away from the first system operated by first ISP. This allows the operator of the third server to control the storage of the user record.

Third, claim 12 includes a third server means located at a different location than the second server means for receiving the user record. Dedrick does not teach this step because Dedrick does not utilize the second server means. Rather, if the teaching of Dedrick is applied to claim 12, the user record would be sent from the first server means to the third server means.



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Therefore, Dedrick teaches away from claim 12. For all of these reasons, applicants submit that claim 12 is patentable over Dedrick in view of the official notice taken by the examiner.

Claims 13 and 15-17 are dependent on claim 12 and are therefore patentable over Dedrick in view of the official notice taken by the examiner for the same reasons given above with respect to claim 12.

For all of these reasons, applicants respectfully submit that pending claims 1-9, 11-13, 16-18 and 20 are in condition for allowance. If a telephone conference with the applicants' attorney would help resolve any remaining issues, please contact the applicants' attorney at the number listed below.

Respectfully submitted,

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August 22, 2002
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Liu et al.

Att. Docket No.: AIMN-01-006

Serial No.: 09/467,551

Art Unit: 3628

Filed: 12/10/99

Examiner: Nguyen, Nga

For: "Internet Settlement System"

**Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231**

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**RED-LINED VERSION OF THE AMENDED CLAIMS
(37 C.F.R. §1.121(c)(ii))**

1. (amended) A method of accounting for services provided in an Internet access transaction comprising:

using a first server to track an amount of time a ~~first~~-user is connected to the Internet through a first system operated by a first Internet Service Provider with whom the ~~first~~-user does not have an account that allows the first Internet Service Provider to bill the user directly for the amount of time the user was connected to the Internet through the first system;

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on this date August 22, 2002 with sufficient postage as first class mail in an envelope addressed to: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231.


Donald J. Page

transmitting a user record from the first server to a central settlement server, the user record comprising data that includes an identifier for the first user and the amount of time the first user was connected to the Internet through the first system; and

using the central settlement server to generate a report from the user record, the report including at least the amount of time the first user was connected to the Internet through the first system, the report being provided to a second Internet Service Provider with whom the user does have an account.

6. (twice amended) A method of accounting for services provided in an Internet access transaction comprising:

using a first server to track an amount of time a first user is connected to the Internet through a first system operated by a first Internet Service Provider with whom the first user does not have an account;

transmitting a user record from the first server to a second server for storage, the second server being located at a different physical location than the first server, the user record including at least an identifier for the first user and the amount of time the first user was connected to the Internet through the first system;

at selected intervals, transmitting the user record from the second server to a central settlement server, the central settlement server being located at a different physical location than the second server;

storing the user record in a first database controlled by the central settlement server; and

using the central settlement server to generate a ~~roaming-report~~ based on the user record, the ~~roaming-report~~ including at least an amount of money owed to the first Internet Service Provider for the amount of time the first user was connected to the Internet through the first system; and
making the report available to a second Internet Service Provider with whom the first user does have an account.

7. (amended) The method of claim 6 further comprising:
making the ~~roaming-report~~ available to the first Internet Service Provider.

8. (amended) The method of claim 7 wherein the step of making the ~~roaming~~ report available to the first Internet Service Provider comprises publishing the ~~roaming~~ report on a World Wide Web server accessible by the first Internet Service Provider.

9. (amended) The method of claim 6 wherein the ~~roaming-report~~ also includes an amount of money owed by the first Internet Service Provider to ~~a~~ the second Internet Service Provider for an amount of time a second user was connected to the Internet through a second system operated by the second Internet Service Provider with whom the second user does not have an account.

11. (amended) The method of claim ~~6~~ 10 further comprising:

after the ~~settlement~~ report is made available to the second Internet Service Provider, transmitting funds from the second Internet Service Provider to a settlement operator to cover the amount of money owed to the first Internet Server Provider; and transmitting funds from the settlement operator to the first Internet Service Provider to compensate the first Internet Service Provider for the amount of time the first user was connected to the Internet through the first system.

12. (twice amended) An apparatus for tracking an Internet access transaction comprising:

first server means for tracking an amount of time a first user is connected to the Internet through a first system operated by a first Internet Service Provider with whom the first user does not have an account and for generating a first user record that includes at least an identifier for the first user and the amount of time the first user was connected to the Internet through the first system;

first transmission means connected to the first server means for transmitting the first user record over the Internet;

second server means for receiving the first user record from the first server means when the first user record is transmitted over the Internet by the first transmission means, the second server means being located at a different physical location than the first server means and being adapted for retransmitting a second user record over the Internet, the second user record including at least some of the same information contained in the first user record;

third server means located at a different physical location than the second server
means for receiving the second user record from the second server means when the
second user record is transmitted over the Internet; and

first storage means associated with the third server means for storing the second
user record; and

report generation means associated with the third server means for generating a
report from the second user record that includes at least the amount of time the first user
was connected to the Internet through the first system.

16. (amended) The apparatus of claim 15 ~~12~~ further comprising:

web server means for publishing the report on a world wide web page.

17. (amended) The apparatus of claim 15 ~~12~~ further comprising:

file transfer protocol server means for making the report available as an ASCII
file on the Internet.

18. (amended) The method of claim 6 further comprising:

after storing the user record in the first database, filtering the user record to yield a
filtered user record;

storing the filtered user record in a second database controlled by the central
settlement server; and

using the filtered user record ~~in place of the user record~~ for generating the
~~reporting~~ report.



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20. (amended) The method of claim 6 wherein a plurality of users records are transmitted to the second server by a plurality of first servers, with at least one of the plurality of first servers being located at a different physical location than another of the plurality of first servers.

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